

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Case No. MD-13-0787B

JOSE ROBLEDO, M.D.

**ORDER FOR DECREE OF CENSURE
AND PROBATION AND CONSENT TO
THE SAME**

Holder of License No. 13386
For the Practice of Allopathic Medicine
In the State of Arizona

Jose Robledo, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Decree of Censure and Probation and Consent to the Same; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 13386 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-13-0787B after receiving a complaint regarding Respondent's care and treatment of a 34 year-old female patient ("TJ"). The complaint alleged that Respondent failed to adequately treat TJ and provide her with appropriate medical advice.

4. According to TJ's complaint, she presented to Arizona Laser and Skin for injection of facial filler, Phyll G3. She stated that this was performed by the nurse, without physician supervision. According to the complaint, within 3-4 hours after the injection, TJ experienced severe burning, dryness and pain in her eyes as well as the skin around her eyes. TJ stated that two weeks after the injections, she was diagnosed with Severe Dry Eye Syndrome.

5. According to Respondent, TJ presented to his office on February 2, 2013 for application of Botox and facial filler after having been seen in December of 2012 for

1 discussion of her options regarding her facial lines. Respondent stated that TJ was offered
2 the filler Phyll G3 and made aware that it was not FDA approved.

3 6. TJ presented to Respondent's office on February 2, 2013 for application of
4 Botox and facial filler, and was informed that the nurse was available and capable of
5 applying the injections. TJ elected to undergo the injections performed by the nurse, and
6 she signed the consent with the disclosure of non-FDA approval status of the filler.
7 Respondent stated that on February 5 and 6, 2013, TJ contacted the office stating that she
8 was having swelling, burning eye sensation, headaches and blurry vision. Respondent's
9 partner saw TJ on February 7, 2013 and performed a negative exam. TJ was assured that
10 there were no signs of a dermal filler local reaction causing her symptoms. TJ was seen
11 again on February 20, 2013 due to continued concerns regarding eye problems.
12 Respondent examined TJ and informed her that he did not observe any pathology or find
13 any local reactions from the filler. TJ was seen again in follow up on March 20, 2013 still
14 having dry eyes and eye pains, and she requested that the filler be removed. Respondent
15 stated that he examined TJ and did not find any signs of filler reaction or any obvious facial
16 pathology.

17 7. The Medical Consultant ("MC") expressed concern relating to the use of the
18 use of a non-FDA approved material (Phyll G3) by a nurse who does not hold a current
19 license in the State of Arizona.

20 8. The matter was initially reviewed by the Board at its December 11, 2013
21 Regular Session Meeting. The Board expressed concerns regarding the contractual
22 services involving an unlicensed nurse and, at that time, voted to return the case for
23 further investigation.

24 9. Respondent was subsequently re-noticed and requested to respond to the
25 Board's concern regarding his use of an unlicensed nurse during the administration of

1 facial filler injections. In his response, Respondent stated that the nurse was registered
2 and licensed in Texas when she began employment and had been trained by him in
3 providing injections. Respondent disclosed that he used to directly supervise her, but that
4 once she acquired the necessary experience and skills, he allowed her to provide Botox or
5 derma fillers to patients that were previously evaluated by him or his partner. Respondent
6 added that when he hired the nurse, she planned to apply for an Arizona nursing license;
7 however, he later discovered that she had not applied for the license. Respondent
8 disclosed that the nurse resigned on November 27, 2013, and that he discontinued his use
9 of Phyll G3 fillers to avoid further controversy. Respondent indicated that he currently
10 only uses FDA-approved derma fillers such as Juvederm.

11 10. During the course of the additional investigation, Board staff obtained the
12 case file from the Arizona Nursing Board ("Nursing Board") regarding the unlicensed
13 nurse. The Nursing Board found that the nurse was employed from August 2012 through
14 September of 2013 without a valid privilege to practice nursing in Arizona. The Nursing
15 Board additionally found that in June of 2013, the nurse's Texas nursing license expired
16 and she did not have a valid nursing license in any state. As a result of the Nursing
17 Board's investigation, on March 28, 2014, the nurse's multistate privilege to practice in
18 Arizona was summarily suspended due to findings of committing fraud or deceit in
19 obtaining, attempting to obtain, or renew a license, conduct that might be dangerous of the
20 health of the public, committing an act that deceives, defrauds, or harms the public, and
21 practicing nursing without a current license.

22 11. The standard of care requires a physician to not allow the use of non-FDA
23 approved cosmetic filler by a nurse unlicensed in Arizona.

24 12. Respondent deviated from the standard of care by allowing the use of a non-
25 FDA approved cosmetic filler by a nurse unlicensed in Arizona.

1 13. Licensing of medical professionals and regulation of substances used in
2 medical treatment are designed to ensure public health and safety. The lack of such
3 regulatory approval or licensing increases the risk of injury to a patient.

4 **CONCLUSIONS OF LAW**

5 1. The Board possesses jurisdiction over the subject matter hereof and over
6 Respondent.

7 2. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401(27)(cc) ("[m]aintaining a professional connection
9 with or lending one's name to enhance or continue the activities of an illegal practitioner of
10 medicine.").

11 3. The conduct and circumstances described above constitute unprofessional
12 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be
13 harmful or dangerous to the health of the patient or the public.").

14 **ORDER**

15 IT IS HEREBY ORDERED THAT

16 1. Respondent is issued a Decree of Censure.

17 2. Respondent's Arizona medical license is placed on Probation.

18 3. Respondent is assessed a \$10,000 civil penalty. The civil penalty shall be
19 paid, by certified funds, within 30 days of the date this Order. If Respondent fails to timely
20 pay the civil penalty, his license shall be suspended for a period of two weeks during which
21 he shall be prohibited from engaging in the practice of medicine in the State of Arizona as
22 set forth in A.R.S. § 32-1401(22).

23 4. **Obey All Laws**

24 Respondent shall obey all state, federal and local laws, all rules governing the
25 performance of health care tasks in Arizona, and remain in full compliance with any court
order criminal probation, payments and other orders.

1 5. Tolling

2 In the event Respondent should leave Arizona to reside or perform health care
3 tasks outside the State or for any reason should Respondent stop performing health care
4 tasks in Arizona, Respondent shall notify the Executive Director in writing within ten days
5 of departure and return or the dates of non-performance within Arizona. Non-performance
6 is defined as any period of time exceeding thirty days during which Respondent is not
7 engaging in the performance of health care tasks. Periods of temporary or permanent
8 residence or performance of health care tasks outside Arizona or of non-performance of
9 health care tasks within Arizona, will not apply to the reduction of the probationary period.

10 6. Termination of Probation

11 Prior to the termination of Probation, Respondent must submit a written request to
12 the Board for release from the terms of this Order. Respondent's request must be in
13 writing and submitted at least 30 days prior to the date he would like the matter to appear
14 before the Board. In doing so, Respondent must provide the Board with evidence
15 establishing that he has successfully satisfied all of the terms and conditions of this Order.
16 The Board has the sole discretion to determine whether all of the terms and conditions of
17 this Order have been met and whether Respondent has adequately demonstrated that he
18 has addressed all of the issues identified in it. At that time, the Board shall determine
19 whether it is appropriate to release Respondent from this Order or take any other action
20 that is consistent with its statutory and regulatory authority.

21 DATED AND EFFECTIVE this 3rd day of October, 2014.

22 ARIZONA MEDICAL BOARD

23 By Patricia C. McSoley Acting
24 C. Lloyd Vest, II
25 Executive Director

Antoin Executive
Director

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CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Order and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.


6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

1 7. This Order is a public record that will be publicly disseminated as a formal
2 disciplinary action of the Board and will be reported to the National Practitioner's Data
3 Bank and on the Board's web site as a disciplinary action.

4 8. If any part of the Order is later declared void or otherwise unenforceable, the
5 remainder of the Order in its entirety shall remain in force and effect.

6 9. If the Board does not adopt this Order, Respondent will not assert as a
7 defense that the Board's consideration of the Order constitutes bias, prejudice,
8 prejudgment or other similar defense.

9 10. Any violation of this Order constitutes unprofessional conduct and may result
10 in disciplinary action. A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order, probation,
11 consent agreement or stipulation issued or entered into by the board or its executive
12 director under this chapter").

13
14 
15 JOSE ROBLEDO, M.D.


DATED: 8-28-2014

16 EXECUTED COPY of the foregoing mailed
17 this 3rd day of October, 2014 to:

18 Jose Robledo, M.D.
19 Address of Record

20 ORIGINAL of the foregoing filed
21 this 3rd day of October, 2014 with:

22 Arizona Medical Board
23 9545 E. Doubletree Ranch Road
24 Scottsdale, AZ 85258

25 
Board Staff